

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KEN JOSEPH,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:15-CV-0596-WBH
	:	
NATIONSTAR MORTGAGE, LLC,	:	
et al.,	:	
Defendants.	:	

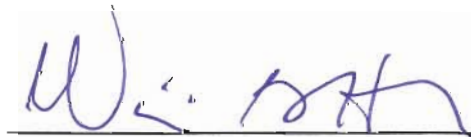
ORDER

Plaintiff, proceeding pro se, filed the instant action and was granted leave to proceed in forma pauperis. The matter is now before the Court for a frivolity determination pursuant to 28 U.S.C. § 1915(e)(2). Section 1915(e)(2) requires this Court to review and dismiss any pro se complaint filed in forma pauperis if the court determines that the action: (1) is frivolous, malicious or fails to state a claim on which relief may be granted or (2) seeks monetary relief against a defendant who is immune from such relief. Under this standard, a district court must review the complaint and dismiss sua sponte those claims premised on meritless legal theories or that clearly lack any factual basis. Denton v. Hernandez, 509 U.S. 25, 27 (1992). A claim is frivolous “where it lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 990 U.S. 319, 325 (1989). A complaint may be dismissed for failure to state a claim on which relief may be granted when it appears beyond doubt that the

plaintiff can prove no set of facts in support of her claim which would entitle her to relief. Scheuer v. Rhodes, 916 U.S. 232 (1979).

This is Plaintiff's second action challenging the foreclosure of his home. On October 28, 2014, this Court dismissed Plaintiff's prior challenge to his foreclosure with prejudice. See Joseph v. McCalla Raymer, LLC, et al., 1:13-cv-04122-WBH (Docket Entry 36). Accordingly, the instant action is barred under the doctrine of *res judicata*. As such, this Court concludes that Plaintiff cannot establish that he is entitled to relief, and the instant complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2).

IT IS SO ORDERED, this 2nd day of March, 2015.



WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE